

REMARKS

Claims 1-23 are pending in the application, claims 21-23 being new.

Claims 1-8 and 10-20 in view of Schull; claim 9 over Schull and Pietrowicz

In the Office Action, claims 1-8 and 10-20 were rejected under 35 USC 102(b) as allegedly being anticipated by U.S. Pat. No. 5,521,964 to Schull et al. ("Schull"); and claim 9 was rejected under 35 USC 103(a) as allegedly being obvious over Schull in view of U.S. Pat. No. 6,628,779 to Pietrowicz ("Pietrowicz"). The Applicants respectfully traverse the rejection.

Claims 1-20 recite a visual message waiting indicator signal sent to a telephone while the telephone is participating in an established telephone call, the visual message waiting indicator signal including call related information relating to a caller who left said voicemail message.

The Examiner cites col. 9, lines 18-54 of Schull for allegedly teaching "sending a visual message waiting indicator signal from a central location and destined for an off-hook telephone. (Office Action at 2).

Schull teaches transmission of a message waiting indication using a stutter dial tone. (See, e.g., Schull, col. 9, lines 4-7). The dial tone is briefly interrupted at the central office, and this interruption, or stutter, is detected by the telephone and interpreted as a message waiting indicator signal. Such transmission of a message waiting indication is NOT performed, nor can it be performed, while the telephone is already participating in an established telephone call.

Schull further teaches that the message waiting indicator can be transmitted in response to the transition of a telephone from on-hook to an off-hook condition. But this teaching is not performed while the telephone is participating in an established telephone call, as claimed by claims 1-20.

In one embodiment, Schull discloses that a unique visual message waiting tone (like a Call Waiting tone) can be directed to a busy or active subscriber line. (Schull, col. 9, lines 37-54)

However, Schull fails to disclose, teach or suggest the combination of features as claimed herein, i.e., transmission of a visual message waiting indicator signal sent to a telephone not only while the telephone is participating in an established telephone call, but the visual message waiting indicator signal that is transmitted includes call related information relating to a caller who left the voicemail message. Thus, as disclosed by the present invention, e.g., at page 6, line 20 to page 7, line 5, the telephone display may provide call related information such as CallerID data to the called but busy party.

Schull fails to disclose a visual message waiting indicator signal sent to a telephone while the telephone is participating in an established telephone call, the visual message waiting indicator signal **including call related information relating to a caller who left said voicemail message**, as claimed by claims 1-20.

Pietrowicz was cited by the Examiner for allegedly teaching display of CallerID data at col. 7, lines 40-50. (Office Action at 4).

The cited passage of Pietrowicz merely mentions by name various ON-hook services, such as CallerID, Visual Message Waiting Indicator, etc. This amounts to nothing more than the fact that CallerID exists. However, even Pietrowicz limits the use of CallerID to be an ON-hook service. (See, e.g., Pietrowicz, col. 7, line 38).

Neither Schull alone, nor Schull in view of Pietrowicz, disclose, teach or suggest a visual message waiting indicator signal sent to a telephone while the telephone is participating in an established telephone call, the visual message waiting indicator signal **including call related information relating to a caller who left said voicemail message**, as claimed by claims 1-20.

Accordingly, for at least all the above reasons, claims 1-20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

New claims 21-23

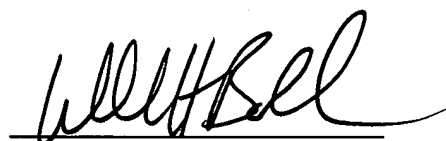
New claims 21-23 relate to subject matter disclosed in the specification, inter alia, at page 6, line 20 to page 7, line 5. New claims 21-23

depend from claim 1, and it is respectfully submitted that new claims 21-23 are patentable for all the reasons that claim 1 is patentable.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

William H. Bollman
Reg. No. 36,457

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7th Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336